

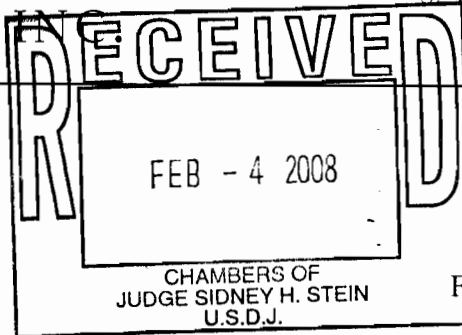
Federal Defenders OF NEW YORK, INC.

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Leonard F. Joy
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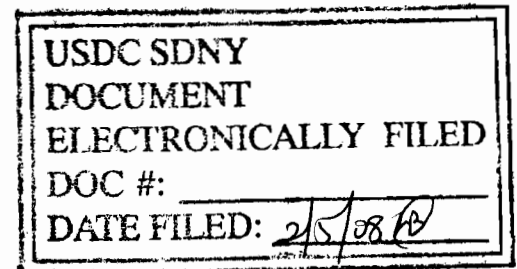
Southern District of New York
John J. Byrnes
Attorney-in-Charge

By Hand Delivery



February 1, 2008

The Honorable Sidney H. Stein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: United States v. Michael Smith
07 Cr. 1157 (SHS)

Dear Judge Stein:

I write on behalf of my client, Michael Smith, to request a 30-day adjournment of his trial, currently scheduled for February 19, 2008. I have spoken by telephone to counsel for the Government, who joins in my request for an adjournment.

My request is based upon two primary considerations. First, within the last week, I have become counsel of record for Mr. Smith. Philip Weinstein, Mr. Smith's previous counsel, will be on medical leave for the next several weeks, necessitating the case transfer. As such, I require a brief adjournment to conduct additional investigation into the charged conduct.

In addition, through my review of the case thus far, I have determined that Mr. Smith must undergo psychological testing prior to trial. Based upon my discussions with counsel for the Government, I believe that results of the testing may lead to settlement of the case. To that end, the parties have prepared the attached proposed order for psychological testing.

Finally, I have spoken at length to Mr. Smith about the need for an adjournment in this case and he does not object to my request. Further, Mr. Smith consents to an exclusion of the time requested under the Speedy Trial Act.

Respectfully submitted,

Hugh M. Mundy
Attorney for Michael Smith
(212) 417-8737

The parties are to appear for a conference on Feb. 3 at 12:00 Noon
SO ORDERED 2/4/08

cc: Parvin Moyne, AUSA

SIDNEY H. STEIN
U.S.D.J.